

REMARKS/ARGUMENTS

These remarks are submitted in response to the Office Action dated September 30, 2009 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 14-1437.

Claim Rejections – 35 USC § 103

Claims 1, 11, 13, and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Published Patent Application 2002/0059587 to Cofano, *et al.* (hereinafter Cofano) in view of U.S. Published Patent Application 2002/0065668 to Goodwin, *et al.* (hereinafter Goodwin), and in further view of U.S. Patent 5,526,146 to Goodman, *et al.* (hereinafter Goodman) and U.S. Published Patent Application 2003/0229670 to Beyda (hereinafter Beyda). Claims 3 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cofano in view of Goodwin and Goodman, and in further view of Beyda and U.S. Patent 5,664,109 to Johnson, *et al.* (hereinafter Johnson). Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over Cofano in view of Goodwin and Goodman, and in further view of Beyda and U.S. Published Patent Application 2002/0022973 to Sun (hereinafter Sun) and in further view of U.S. Patent 5,897,493 to Brown (hereinafter Brown).

Although Applicant respectfully disagrees with the rejections, Applicant has amended independent Claims 1, 11, and 15 in an effort to even more clearly define the present invention and facilitate prosecution of the instant application. The claim amendments are fully supported throughout the Specification. No new matter has been introduced by the claim amendments.

The Claims Define Over The Prior Art

The concept of the present invention can be best explained by the following scenario of a hospital emergency room. A patient can walk into an emergency room where a publically accessible display is provided in the waiting room and a private display is provided behind a nurse's station. The patient can enter confidential information, such as name, social security number, and reason for medical visit, to the input system and publically accessible display which receive the patient information. The publically accessible display can also receive patient information from a network having databases of insurance information, medical history, and the like. Once the publically accessible display has received the information, the publically accessible display can display the information to the patient. The patient information can also be displayed at the private display for review by a nurse. With the patient information displayed, the nurse can provide the proper emergency care and coordinate an appointment for the patient with the appropriate doctor to treat the reason for the patient's arrival at the emergency room. In the meantime, or even before the display of patient information at the private display, the patient information on the publically accessible display can be concealed at the user's request by the user selecting a "CONCEAL" or "DONE" button on the publically accessible display. Nevertheless, the publically accessible display can be configured with a fail-safe mechanism that will automatically conceal the patient information after the expiration of a predetermined time period even if the user fails to select the "CONCEAL" button. Contemporaneously, a notification signal can be sent to a doctor. In this example, the notification signal can include a portion of the patient information received from the patient and a portion of the patient information received from the network. Thus, the doctor is provided with the necessary information, such as the patient's name, reason for visit, and medical history, to properly treat the patient. Additionally, the patient information can be stored to keep a log of the patients admitted, treated, and/or diagnosed at the emergency room. The patient can now receive

the appropriate medical treatment without having any unauthorized disclosures of patient confidential information. See Specification, paragraphs [0052]-[0054].

Cofano discloses a computer network implemented method, system, and software for providing personalized services using a digital dialog between a service provider and a user of the personalized services by establishing an audio/video communication channel for a service session between the user and the service provider, and receiving and storing inputs from the service provider and the user in a data store while the audio/video communication channel between the user and the service provider is established. The service provider and the user are provided interactive access to the data store while the audio/video communication channel is established between service provider and the user. Prior to establishing the service session using the audio/video communication channel, the service session is scheduled based on input from the user; and service session related information is received and stored from the user. See the Abstract.

An object of Cofano is to provide a method and apparatus that employs computers which communicate over a network, such as the Internet, to allow a member of an organization, such as an employee in a company, to obtain benefits at several levels through computer communications. Thus, it is an object of Cofano to provide a system wherein a user at a remote computer can obtain information about services offered by a service provider, or can communicate with the service provider to obtain on-line service. See paragraph [0008].

Clearly, the subject matter of Cofano, which concerns providing personalized on-line services such as "virtual office visit," has nothing to do with the subject matter of the present invention, which concerns concealing confidential information displayed at a publically accessible display in a system including at least one publically accessible display for displaying confidential patient information and at least one private display that displays the confidential information displayed by the publically accessible display and is accessible only to authorized health care personnel, wherein the at least one

publically accessible display and at least one private display are connected through a network.

More specifically, Cofano does not disclose the specific limitations of receiving patient identification information supplied by a patient from an input device connected to a publically accessible display; retrieving patient information from a central data store based on the supplied patient identification information; displaying the confidential information including the supplied patient identification information and the retrieved patient information at the publically accessible display for a predetermined time period, wherein the publically accessible display is disposed within a housing so that the confidential information is only viewable by the patient; displaying the confidential information at the private display for review by authorized health care personnel; concealing the confidential information displayed at the publically accessible display upon expiration of the predetermined time period or upon a request of the patient; sending a notification signal to the authorized health care personnel indicating that the patient is present; and storing at least a portion of the confidential information for the patient to receive proper treatment, as recited in independent Claims 1, 11, and 15 of the instant application.

The other cited references do not make up for the deficiencies of Cofano.

The Examiner has repeatedly asserted in the Office Action that it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the personalized services system of Cofano so as to have included certain limitations in accordance with the teachings of other cited references since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

However, it is noted that most if not all inventions arise from a combination of old elements. See *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453,1457 (Fed. Cir. 1998). Thus, every element of a claimed invention may often be found in the prior art. See *id.* However, identification in the prior art of each individual part claimed is

insufficient to defeat patentability of the whole claimed invention. See *id.* Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant. See *In re Dance*, 160 F.3d 1339, 1343, 48 USPQ2d 163.5, 1637 (Fed. Cir. 1998); *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984). A statement that modifications of the prior art to meet the claimed invention would have been well within the ordinary skill of the art at the time the claimed invention was made because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). Rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007).

It is noted that the Examiner has merely asserted that so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results, without articulating or reasoning why one of ordinary skill in the art would combine those limitations with Cofano and how those limitations could be combined or performed readily and easily with neither undue experimentation, nor risk of unexpected results, especially when none of the cited references concerns a system including at least one publically accessible display for displaying confidential patient information and at least one private display that displays the confidential patient information displayed by the publically accessible display and is accessible only to authorized health care personnel, wherein the at least one publically accessible display and at least one private display are connected through a network.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claims 1, 11, and 15. Applicants therefore

respectfully submit that Claims 1, 11, and 15 define over the prior art. Furthermore, as Claim 13 depends from Claim 11 while reciting additional features, it is believed to likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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